

Executive Team (ET) minutes

26 February 2024

Details of attendees are provided at the end of the minutes.

1. Introductions and apologies

- 1.1. Apologies for absence were received from Rob Holtom.

2. Declarations of interests

- 2.1. All present apart from John Edwards declared an interested in the pay strategy as they would be subject to this strategy once finalised.

3. Matters arising from the previous meeting

Minutes

- 3.1. The minutes of the previous meeting had been approved as a correct record.

Actions

- 3.2. ET noted the update on actions from previous meetings. ET was also informed that the actions relating to supply chain activities and media processes in relation to S132 had been completed.

4. General Election Planning

- 4.1. Amanda Williams, Oliver O'Callaghan and Owen Prendeville joined the meeting to present a report setting out the approach to ensuring the ICO delivers its role during the 2024 General Election period, ahead of this being considered by Management Board in March.
- 4.2. ET agreed that it was important for the ICO to inform public policy during the General Election year, without advocating for or against specific policies.
- 4.3. ET also discussed the potential impact of the democratic engagement provisions within the Data Protection and Digital Information (DPDI) Bill, should this be in force by the time of the General Election campaign. ET agreed that, should this be the case, it would be important to provide clear guidance on the impact of these provisions to ensure that there was consistent understanding of the provisions by all parties.

- 4.4. ET discussed potential areas of disruption to the electoral process within the ICO's remit. This discussion focussed on the potential use of deepfakes and AI, including by people or organisations not affiliated with campaigning parties.
- 4.5. In relation to potential use of deepfakes, ET agreed that a policy position and processes to consider potential enforcement activity should be identified as soon as possible, to allow decisions to be made at pace during the General Election campaign, should such issues arise. ET noted that these matters would require cooperation across the Digital Regulation Cooperation Forum (DRCF), particularly with Ofcom under the Online Safety Act, and the Electoral Commission.
- 4.6. ET also agreed that it would be important to test the regulatory processes on hypothetical scenarios prior to the General Election campaign.

ACTION: Stephen Almond to develop the ICO's policy position on use of deepfakes during election campaigns.

Due date: 31/3/24

ACTION: Stephen Almond and Stephen Bonner to develop processes to consider potential enforcement action on use of deepfakes during election campaigns, including cooperation with other regulators. Due date: 31/3/24

ACTION: Amanda Williams, Oliver O'Callaghan and Owen Prendeville to test the election period regulatory procedures for deepfakes prior to the election period. Due date: 31/3/24

- 4.7. ET agreed that it should receive regular reporting regarding General Election preparedness, including escalating matters as necessary.

ACTION: Amanda Williams, Oliver O'Callaghan and Owen Prendeville to provide ET with regular updates on General Election preparedness. Due date: 18/3/24 and ongoing throughout 2024

- 4.8. In relation to AI, ET agreed that it was content that the ICO's existing powers were sufficient to regulate AI models through the personal data which was used to create them.
- 4.9. ET also noted the importance of avoiding creating distraction from the General Election campaign during the pre-election period and

that this would be factored into communications planning for the remainder of the year.

5. Finance update

5.1. Angela Donaldson joined the meeting to present a report updating on the current financial position and progress with the review of the data protection fee model.

5.2. ET noted that completion of the fee model review was vital for the ICO to deliver the requirements of the DPDI Bill. ET discussed potential contingency plans should the delay in completing the review of the fee model continue and additional funding not be forthcoming from the Department for Science, Innovation and Technology (DSIT) to fill the budget gap. ET commented that contingency plans would also need to include information as to when they would need to be triggered to be effective.

ACTION: Jen Green and Angela Donaldson to develop scenarios models, as well as options to meet projected budget gaps during 2024/25, including potential timelines for implementing each option. Due date: 31/3/24

5.3. ET discussed operational efficiencies which were being identified at Team, Department and Directorate levels and agreed that it would be beneficial to share these at ET level, to allow these to be cascaded throughout the organisation as appropriate.

ACTION: All ET members to collate information regarding operational efficiencies being implemented or considered within their Directorates and share these with ET members. Due date: 2/4/24

5.4. ET discussed approaches to recruitment during this period of budget risk and agreed that the current processes continued to be appropriate. ET also commented that it was important to ensure all options for moving resources internally to fill critical gaps had been fully considered before any agreement was made to move to external recruitment in all cases and received assurance that this had been a focus of recent Establishment Committee meetings.

5.5. ET requested further information regarding the impact of accrued annual leave liability on the budget position.

ACTION: Jen Green and Angela Donaldson to provide ET with information regarding the impact of accrued annual leave liability on the budget position. Due date: 31/3/24

5.6. ET also discussed the importance of accuracy of income forecasting, continuous improvement of the efficiency of the fee acquisition process, and maximising income generation. ET noted the potential cash flow risk in March 2024, which was due to the timing of receiving fine income. ET was content that this risk was currently being monitored and mitigated appropriately.

6. Pay strategy

6.1. Jen Green and Mark Graves presented a report updating on the development of the ICO Pay Strategy.

6.2. ET's discussion focused on which areas to prioritise within the pay strategy. ET agreed that:

- Reward and recognition should be prioritised, including:
 - bringing overall pay levels in line with market rates.
 - considering whether to introduce elements of performance-related pay.
 - considering whether to create differential pay grades for those roles which are more highly valued in the labour market.
- Attraction should be prioritised to ensure the strongest possible group of candidates for all vacancies.
- Fairness and equity should not be considered as separate elements of the strategy, but part and parcel of consideration of all other parts of the strategy.
- Retention was a lower priority, as the ICO's retention performance was strong.

6.3. ET commented that in developing the strategy, it would be useful to reflect on the factors which caused the ICO's high retention to ensure that these were leveraged as far as possible throughout the recruitment and retention process. ET also discussed the importance of ensuring high quality line management throughout the ICO so that the agreed strategy was fairly and consistently applied. The updated leadership training offer would contribute towards this.

7. Risk appetite review

- 7.1. Louise Byers joined the meeting to present a report setting out recommended changes to the risk management policy and risk appetite, ahead of this being considered by Management Board.
- 7.2. ET discussed further instances of the risk appetite informing decision-making and agreed that the report should be updated to reflect these examples.

ACTION: All ET members to provide Louise Byers with information of further examples of the risk appetite informing decision-making. Due date: 6/3/24

- 7.3. ET supported the approach of minimal changes to the risk appetite, with a focus on continuing to further simplify and embed the risk appetite into decision-making across the organisation. ET also highlighted the importance of ensuring that links to the risk appetite were regularly included in internal communications.

8. Management Board scorecard

- 8.1. ET noted this report and agreed to discuss it at an informal meeting the following week.

9. Monthly cyber security dashboard

- 9.1. The Board noted a report setting out the monthly cyber security dashboard.

10. Any other business

- 10.1. There were no items of other business.

11. Key messages to staff

- 11.1. ET agreed that the key messages to staff from the meeting would be published later in the current week.

ACTION: Laura Tomkinson to publish the key messages on Iris. Due date: 1/3/24

Attendance

Members

Angela Balakrishnan	Executive Director of Strategic Communications and Public Affairs
Claudia Berg	General Counsel
Emily Keaney	Deputy Commissioner (Regulatory Policy)

Jen Green	Executive Director, Strategy and Resources
John Edwards	Information Commissioner
Louise Locke	Executive Director, Customer Service
Paul Arnold MBE (Chair)	Deputy Commissioner (Deputy CEO and Chief Operating Officer)
Stephen Almond	Executive Director, Regulatory Risk
Stephen Bonner	Deputy Commissioner (Regulatory Supervision)

Attendees

Amanda Williams	Director of Public Affairs (for item 4)
Andrew Rimmer	Private Secretary to John Edwards
Angela Donaldson	Director of Finance and Estates (for item 5)
Catherine Heverin	Private Secretary to Louise Locke
David Squires	Private Secretary to Stephen Almond
Farhana Ahmed	Private Secretary to Rob Holtom
Fiona Simkiss	Private Secretary to Jen Green
Laura Tomkinson	Group Manager, Corporate Governance
Louise Byers	Director of Risk and Governance (for item 7)
Mariam Boakye-Dankwa	Head of Commissioner's Private Office
Mark Graves	Head of Performance and Reward (for item 6)
Oliver O'Callaghan	Head of Public Affairs (for item 4)
Owen Prendeville	Group Manager (Parliament) (for item 4)
Sarah Delahunty	Private Secretary to Emily Keaney
Tom Parkman	Private Secretary to Claudia Berg

Secretariat

Chris Braithwaite	Corporate Governance Manager
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